

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBIN RECAT,

Plaintiffs,

-against-

SARGENT DAY, et al.,

Defendants.

24-CV-4117 (JHR) (RFT)

ORDER

TO THE HONORABLE JENNIFER H. REARDEN, UNITED STATES DISTRICT JUDGE:

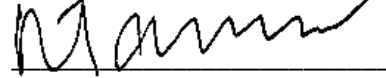
On May 24, 2024, Plaintiff Robin Recant filed a pro se complaint against 72 Defendants, alleging numerous claims, including violations of various federal constitutional rights. (See ECF 1, Compl. at 2.) Plaintiff's time to serve the summons and Complaint on any Defendant expired on August 24, 2024. On three separate occasions in September and October 2024, I issued orders extending sua sponte Plaintiff's time to serve Defendants; in each order, I warned Plaintiff that failure to comply with Court orders and failure to serve Defendants could result in a report and recommendation that Judge Jennifer H. Rearden dismiss her complaint without prejudice. (See ECF 15, 16, 19.) On September 27, 2024, Plaintiff submitted a letter stating that she had suffered a hip fracture that had required her hospitalization between June 13, 2024 and July 11, 2024. (See ECF 17, Letter.) Plaintiff's hospitalization was followed by rehabilitation at a nursing home for "over a month." (*Id.*)

On October 31, 2024, Plaintiff filed a letter seeking an extension of time to serve Defendants, on the ground that she has had joint replacement surgery, for which the recovery time is one year, and for which she must take anti-coagulant medication for six months. (See ECF 20.) She states that it is difficult for her to travel to the courthouse. (See *id.*) However, Plaintiff does not appear to have done anything to

comply with Court orders concerning service after being released from the hospital and completing rehabilitation. Moreover, it is unclear why she needs to come to the courthouse to prosecute her case; many pro se litigants move their cases along using mail, e-mail, and the telephone. Nevertheless, Plaintiff may have one further extension of time to serve Defendants, until **December 5, 2024**. If she has not filed proof of service on the docket by that date, I expect to issue a report and recommendation to Judge Rearden to sua sponte dismiss the complaint without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Dated: November 7, 2024
New York, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Tarnofsky', is written over a horizontal line.

ROBYN F. TARNOFSKY

United States Magistrate Judge